

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

BRYAN JOSEPH LAYTON,
Institutional ID No. 06144600,

Plaintiff,

v.

MARSHA McCLAIN, *et al.*,

Defendants.

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CIVIL ACTION NO. 5:21-CV-122-M-BQ

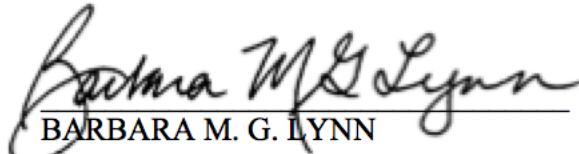
**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Before the Court are the Findings, Conclusions, and Recommendation of the United States Magistrate Judge advising that the District Court should dismiss with prejudice Plaintiff's Eighth Amendment deliberate indifference to serious medical needs claim against all Defendants in their individual and official capacities in accordance with 28 U.S.C. § 1915(e)(2)(B). Plaintiff filed objections, and the District Court has made a *de novo* review of those portions of the proposed findings and recommendation to which objection was made.

After making an independent review of the pleadings in this case, the Findings, Conclusions, and Recommendation of the magistrate judge, and Plaintiff's objections, the Court concludes that the findings and conclusions are correct and the objections should be overruled. It is therefore **ORDERED** that the Findings, Conclusions, and Recommendation of the magistrate judge are **ACCEPTED**, and Plaintiff's Eighth Amendment deliberate indifference to serious medical needs claim against all Defendants in their individual and official capacities is **DISMISSED** with prejudice. Remaining are Plaintiff's First Amendment and Equal Protection

claims under 42 U.S.C. § 1983, for injunctive relief against Defendants McClain, Cochran, Shmoker, Graves, Keaton and Beltran.

SO ORDERED this 5th day of April, 2022.



BARBARA M. G. LYNN
CHIEF JUDGE